

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*Additional [information in relation to the disputed boundary line between  
the State of Missouri and Territory of Iowa.*

JANUARY 3, 1840.

Referred to the Committee on the Judiciary, and ordered to be printed.

*To the Senate of the United States:*

I transmit to Congress copies of a communication from Governor Lucas, and of additional documents in relation to the disputed boundary line between the Territory of Iowa and the State of Missouri.

M. VAN BUREN.

WASHINGTON, December 30, 1839.

[EXTRACTS.]

EXECUTIVE DEPARTMENT, IOWA TERRITORY,  
Burlington, December 9, 1839.

SIR: On the 3d of October last, I forwarded to the State Department, for the inspection of the President of the United States, a communication giving a brief statement of the outrages perpetrated upon the citizens of the United States within the Territory of Iowa, by the authorities of the State of Missouri, and relative to the boundary line between the territory of the United States and the State of Missouri, with sundry documents, embracing facts which would enable the President to form a correct opinion as to the cause and merits of the controversy, and the true position of the parties at that time. The subsequent intrusions of the authorities of the State of Missouri upon the citizens of the United States residing within the acknowledged boundaries of the Territory of Iowa, and the frequent infractions of the laws of the Territory, as well as the laws of the United States, within the legal boundaries of the county of Van Buren, in this Territory, together with the menaces and military attitude of the authorities of Missouri, have imposed upon me the duty

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of laying the whole subject before the President of the United States; and, considering the tardiness and uncertainty of the mails, I have this day despatched General James M. Morgan, the quartermaster general of the Territory, to Washington city, who will present to you this communication, together with sundry documents, numbered from 1 to 18, inclusive, which together, with those transmitted with my communication of the 3d of October last, will present to your consideration the whole proceedings of the authorities of the Territory of Iowa, and those of the United States, from the commencement of the controversy to the present time, to which I would respectfully solicit your attention, as well as the attention of the President of the United States.

By reference to these documents, it will be perceived that the authorities of the United States within the Territory of Iowa, as well as those of the Territory, have acted wholly upon the defensive, and in strict subordination to the civil authority. We consider ourselves bound to exercise jurisdiction to the line commonly known as the old Indian boundary line. The Territory of Wisconsin exercised an uncontrolled jurisdiction to this line previous to the organization of the Territory of Iowa; and the jurisdiction of this Territory, under the authority of the United States, was exercised to that line without interruption, until the late attempt, by the authorities of Missouri, to usurp a jurisdiction north of this line. This line has been acknowledged by all the acts of Congress creating land districts as the northern boundary of the State of Missouri, as well as sundry Indian treaties bounding on that State. It is the line that has been acknowledged as the dividing line between the jurisdiction of the surveyors-general of Missouri and Illinois and the surveyors-general of Ohio, Indiana, Missouri, and Wisconsin; and the land over which Missouri is now attempting to obtain a tortuous jurisdiction was surveyed under the direction of the surveyor-general of Cincinnati, Ohio, as land lying within the Territory of Wisconsin, and was returned to the register of the land office at this place, and sold under the proclamation of the United States, as land lying within the Territory of Iowa; and the citizens of the United States, from whom the State of Missouri is attempting to coerce the payment of taxes to that State, purchased the lands from the United States, and settled upon them, as lying within the Territory of Iowa. They consider that they have a right to claim from the United States the protection of their privileges as citizens of the United States within this Territory, and to be secured against encroachments from any other authority whatever.

Where this controversy will end it is impossible to foresee. Report says, that Missouri is embodying a military force to take possession of the district of country claimed by her. The marshal of the United States has made requisition on the respective major generals of the Territory for forces to enable him to enforce the laws of the United States, and to repel an invasion of our Territory by an armed force from Missouri. The air of superiority assumed by the authorities of the State of Missouri, and the menaces of a few reckless characters near the line, have created an excitement of feeling in the breasts of our citizens, which, if intruded upon much farther, may burst out beyond the restraint of civil authority.

Should the authorities of Missouri invade our Territory with an armed force, and recommence their depredations, I am apprehensive that blood will be shed; and if blood begins to flow, it is impossible to foretell where the matter will end. Under this state of things, I conceive it to be my duty to submit the subject to the serious consideration of the President of the United States, and to solicit his interposition and instructions. Acting as I do, under the authority of the United States, I am extremely anxious to receive the instructions of the President on this exciting subject. And you may rest assured that, whatever his instructions may be, they will be promptly attended to by

Sir, your obedient servant,

ROBERT LUCAS.

HON. JOHN FORSYTH,

*Secretary of State U. S., Washington city, D. C.*

No. 1.

KEOSOUQUA, Oct. 17, 1839.

On Monday, the 14th instant, the sheriff of Clark county, Missouri, made his appearance in the county of Van Buren to collect taxes, accompanied with two or three men within the county of Van Buren; he called on three or four of our citizens for their tax, and I have reason to believe that one or two of the individuals called on last refused to pay, upon which the sheriff said that he should sell their property to the amount of their tax. And further, I am credibly informed that one or two of those individuals last called on, made some threats to the said sheriff, in case he molested their property. Also, it is further reported, that the sheriff returned to Waterloo, and reported to the commanding officer, since which time officers have been collecting in Waterloo, making arrangements to march their force of several hundred armed men, on Monday next, for the purpose of taking property or money of our citizens for taxes.

In haste, yours, very respectfully,

H. HEFFLEMAN,

*Sheriff of Van Buren county, Iowa Territory.*

His Excellency the GOVERNOR

*of the Territory of Iowa.*

No. 2.

EXECUTIVE DEPARTMENT, IOWA TERRITORY,

*Burlington, Oct. 19, 1839.*

SIR: Your letter of the 17th instant was handed to me last night by General Swazey, and was submitted to the district attorney, Mr. Starr, with my request that he should write to you on the subject, which he has done, and his letter is herewith transmitted.

Some weeks since, General Gehon, the United States marshal, was at this city, and I suggested to him the importance of having a deputy marshal appointed in Van Buren county. He informed me that he would

appoint you, and as Mr. Van Allen, the United States district attorney, was expected soon to be in Van Buren county, that he would send your appointment to you by him. I also send you a copy of proclamations, and a copy of the late laws of Iowa, which is the only printed copy in Burlington. By a reference to the laws defining crimes, (see page 142,) the 12th, 32d, 33d, 62d, 77th, 81st and 90th sections, will give you correct information as to the law on the subject, to which I particularly refer you, as well as the laws quoted in my first proclamation. The laws defining the duties of sheriffs and justices of the peace, will be found in the volume of Iowa laws, herewith sent.

I do not know that I have any special instructions to give on the subject, further than are included in my proclamations; I trust, however, that the officers of Iowa Territory, acting as they do under the authority of the United States, will be as prompt and vigilant in enforcing the laws and protecting the citizens of the United States within this Territory, as those of Missouri possibly can be, in their intrusions upon our neighbors.

I have transmitted copies of the Missouri laws, the letter of the commissioners of Van Buren county to me, my two proclamations, and a copy of that of the governor of Missouri, to the President of the United States, so that they are apprized at Washington of our position. Should any instructions be transmitted to me by the President on this subject, they will be communicated to you.

With sincere respect, I am your obedient servant,

ROBERT LUCAS.

HENRY HEFFLEMAN, Esq.,

*Sheriff, Van Buren county, Iowa Territory.*

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No. 3.

FARMINGTON, October 24, 1839.

By the request of the citizens of Clark county, Missouri, a delegation, consisting of seven from Van Buren county, Iowa Territory, met a delegation of seven from Clark county, to deliberate on the present difficulties existing between Clark county, Missouri, and Van Buren county, Iowa Territory, relative to the boundary line; upon which they presented us with the enclosed propositions, and required us to meet their propositions, or they were compelled to go to war with us.

Situated as we are at present, I think that the marshal's presence is required immediately; or for him to appoint a deputy, as I think we will stand in need of the power of the Territory immediately on the present occasion.

You state, in your letter of the 19th instant, that the marshal had appointed me deputy marshal, but the appointment has not come to hand; therefore I would recommend Thomas J. Babcocke, as a suitable person to the appointment of deputy marshal.

Very respectfully,

H. HEFFLEMAN,

*Sheriff of Van Buren County, Iowa Territory.*

His Excellency ROBERT LUCAS,

*Governor, Iowa Territory.*



## No. 4.

EXECUTIVE DEPARTMENT, IOWA TERRITORY,  
*Burlington, October 26, 1839.*

SIR: I received your letter by Mr. Babcocke, and its enclosures. It appears, by the documents enclosed, that the authorities of Missouri are determined to provoke, by their arrogance, the citizens of Iowa into a collision with them. There is no authority in this Territory that can compromise the jurisdiction of the United States, or suspend the operation of the laws.

Myself, Judge Mason, and Judge Williams, who was at this place, signed a joint letter, addressed to the marshal of the United States, informing him of the situation of affairs, advising him that his presence on the borders was necessary, and requested his prompt attention to the subject. This letter was despatched to the marshal by express. When he arrives, he will of course control the proceedings. In the meantime, I have no further instructions to give than were contained in my proclamation.

I have forwarded to General Swazey several blank military commissions to fill up, should it become necessary. I fully appreciate your situation, and the responsibilities that rest upon you on the present occasion.

Should General Gehon arrive, it will measurably relieve you of a considerable portion of the responsibility that now rests upon you.

With a full confidence that you will discharge your duty with fidelity, I remain, your sincere friend and very humble servant,

ROBERT LUCAS.

HENRY HEFFLEMAN, Esq.,  
*Sheriff of Van Buren county.*

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No. 5.

At a meeting of the citizens of Van Buren county, held at Keosauqua, on the 30th day of October, A. D. 1839, agreeably to previous notice, Major Henry King was chosen chairman, and F. B. Hazelton appointed secretary.

The object of the meeting was explained by James Hall, and by reading the proposition of the delegation from Clark county, Missouri, at a meeting held on Indian creek, in Van Buren county, by the delegates from Clark and Van Buren counties, October 4, 1839; and the reply of the delegation from Van Buren county; and the response to said reply by the delegation from Clark county, Missouri.

On motion of E. McBride, Esq.,

*Resolved*, That Abner Kneeland be requested to express his views on the subject now before the meeting: which was adopted.

Whereupon Mr. Kneeland rose and expressed himself fully in favor of the proceedings and sentiments of the delegation of Clark county, and that he cordially and heartily sustained the people of this county in defence of their rights, in resisting the encroachments of Missouri upon our Territory.

On motion of Isaac N. Lewis, Esq.,

*Resolved*, That this meeting concur in the sentiments expressed by Mr. Kneeland: which was unanimously adopted.

On motion of J. King, Esq., it was

*Resolved*, That this meeting express their approbation of the delegation of this county, in not submitting to the proposition of the delegation from Clark county, Missouri.

On motion of Captain James Hall, it was

*Resolved*, That Captain Isaac N. Lewis and Abner Kneeland be appointed messengers from this county, to bear the sentiments of this meeting to Clark county, Missouri, at Waterloo, on Friday next.

On motion of J. King, Esq.,

*Resolved*, That a spirited resolution be adopted, embracing the sentiments of this meeting, to convey to Clark county, Missouri, on Friday next.

On motion of General Davidson,

*Resolved*, That James Hall and Abner Kneeland be appointed a committee to draft said resolution.

Whereupon the committee retired and reported the following resolution, which was unanimously adopted:

*Resolved*, That we do fully approbate the proceedings of the delegation from this county, who met a like delegation from Clark county, Missouri, on the 24th instant, on Indian creek.

On motion of Abner Kneeland,

*Resolved*, That the proceedings of this meeting be signed by the chairman and secretary, and that a copy be sent to the governor of this Territory.

On motion of General Davidson,

*Resolved*, That this meeting adjourn *sine die*.

HENRY KING, *Chairman*.

Attest:

F. B. HAZELTON, *Secretary*.

The delegation on the part of Clark county, Missouri, propose to the delegation of Van Buren county, Iowa Territory:

1st. That it is the wish of the citizens of the said county of Clark, that the most friendly relations may be maintained between them and the citizens of Van Buren county, Iowa Territory, and that we are willing to yield to the said county of Van Buren all that we claim for the county of Clark, until Congress can finally settle the difficulty as relates to the boundary now in dispute between said State and Territory.

2d. That the civil officers of said State and Territory be, and they are hereby permitted to exercise concurrent jurisdiction over the ground now in dispute between said State and Territory, until the final decision and settlement of their boundary by Congress, and that the officers, and the officers from each district, desist from interfering with the discharge of the official duties of the other, which may be exercised upon said disputed ground.

3d. That the counties of Clark and Van Buren be required each to pledge their honor and obligation to the other that so far as the boundary

shall be decided against either of them, each will refund to the other all taxes or revenues after the present levy collection from the citizens residing on said disputed ground, who may not fall within their proper limits.

4th. That the State of Missouri and Territory of Iowa be required to suspend all military operations on said disputed ground, until the final action of Congress can be had on the question in dispute between said State and Territory.

5th. That the delegation, both on the part of the said county of Clark and State of Missouri, and the county of Van Buren and Territory of Iowa, recommend to the chief magistrates of both State and Territory, a suspension of all hostilities, and that the most friendly relations between the citizens of said State and Territory be recommended and maintained until the final action of Congress can be had on the subject of the disputed boundary between said State and Territory, if the same be consistent with the dignity and honor of said State and Territory.

6th. That the sheriff of Van Buren county be permitted to collect the residue of the taxes levied by said county on the disputed Territory, and that the said sheriff of Van Buren county be requested to deposite one half of the whole amount so levied and collected in the hands of the county court of Clark, the other moiety to remain in the hands of the authorities of Van Buren county, and each be required to execute to the other a bond, with security that all such deposits shall be paid over to the party in whose favor the question of boundary be decided.

JOHN TAYLOR, *Chairman.*

CHANCY DURKEE,

DAVID HAY,

O. H. ALLEN,

A. WAYLAND,

JOSEPH MCCOY,

F. LEVERING.

CHARLES COOLIDGE, *Sec'y.*

The delegation on the part of Van Buren county, Iowa Territory, object to the second proposition submitted to them by the delegation from Clark county, Missouri: Because, we do not feel authorized or willing to sanction a concurrent jurisdiction to any other government over any part of the territory, recognised by General Government as being within the recognised limits of the Territory of Iowa; but we are willing as it regards the collection of the taxes levied on said disputed ground, that all operations in relation thereto be suspended by both parties, until the first Monday in March next, should Congress not sooner decide the question; but in nowise can we sanction either a concurrent or absolute jurisdiction to be exercised over any part of said disputed ground, until the question of boundary is finally settled; then should the disputed ground be ceded to the State of Missouri, we are willing that the authorities of Missouri shall collect the taxes now levied, and exercise unmolested jurisdiction over said disputed territory.

JOSEPH DAVIDSON, *Chairman.*

JAMES HALL, *Secretary.*

Copied and forwarded by H. HEFFLEMAN, sheriff of Van Buren county, Iowa Territory.

In reference to the rejection of our second proposition, by the delegation of Van Buren county, we say that we feel unauthorized to yield jurisdiction to the territory, as the constitution and laws of our State give the right to us ; and that we, previously to the organization of Iowa Territory, exercised jurisdiction, as the records of our county offices will show ; and that we hold that said jurisdiction should never have been coerced from us.

JOHN TAYLOR, *Chairman.*

O. H. ALLEN,

A. WAYLAND,

C. DURKEE,

F. LEVERING,

JOSEPH McCOY,

DAVID HAY.

A true copy.

CHARLES COOLIDGE, *Secretary.*

At a meeting of the citizens of Van Buren county, Iowa Territory, holden in Keosauqua on the 29th of October, 1839, for the purpose of taking into consideration the proceedings of a meeting of the delegates appointed on the part of Clark county, Missouri, and of the delegates on the part of Van Buren county, Iowa Territory, on the 24th of October, 1839, the meeting, after due deliberation, passed a resolution approving of the rejection of the delegates on the part of Van Buren county, Iowa Territory, of a proposition to them from the delegates from Clark county, Missouri, to admit concurrent jurisdiction over the disputed Territory to the authorities of Missouri. At which meeting, we, the undersigned, were appointed messengers to bear said resolution to a committee of Clark county, Missouri. The committee after receiving said resolution passed resolutions of which the following is a true copy : *Whereas*, We, a committee of the citizens of Clark county, having been presented with a report of a meeting of the citizens of Van Buren county, Iowa Territory, by a committee from that county, approving of the action of a committee of Van Buren county had on Indian Creek in conference from Clark county on the 24th October, 1839, thereby sanctioning the refusal of that committee to comply with the proposition made by Clark county, *Thenceforth be it resolved*, 1st, That we still adhere to our rejection of the proposition made by the delegation of Van Buren county on the 24th of October, 1839.

2d, That we recommend to the authorities of Clark county to proceed immediately to the collection of the taxes levied by said county on the disputed Territory, and to exercise the unlimited jurisdiction that the constitution and laws of our State guaranty to us. Done at Waterloo the 1st day of November, 1839.

THOMAS RUTHERFORD,

JOSEPH McCOY,

ABRAHAM WAYLAND,

FRANKLIN LEVERING,

MAJOR JOHNSON,

JOHN TAYLOR.

CHARLES COOLIDGE, *Secretary.*

With regard to immediate hostilities, we were informed by a gentleman to be relied upon, that three divisions of troops were ordered out; we were also informed by Judge Taylor of Clark county, that the sheriff of Clark county, Missouri, on Tuesday next, would attempt to collect taxes in the disputed Territory alone, and that the marching of an armed force into our Territory will depend upon the report that the sheriff makes after his attempt to collect taxes on Tuesday, this 2d day of November, 1839.

ABNER KNEELAND,  
ISAAC N. LEWIS.

I was in Waterloo on the 1st and 2d of November, and saw an order from Governor Boggs to General Willock to raise three divisions of troops for the purpose of assisting the sheriff of Clark county, Missouri, to collect the taxes on the disputed Territory, and to take command of said divisions, this 3d of November, 1839.

JOSEPH DAVIDSON.

We were told while at Waterloo that they did not regard the taxes as amounting to any thing; that citizens of Clark county had offered to pay the taxes on the disputed Territory, but they wanted concurrent jurisdiction, this 2d day of November, 1839.

ABNER KNEELAND.  
ISAAC N. LEWIS.

No. 6.

BURLINGTON, IOWA TERRITORY,  
*October 26, 1839.*

SIR: The present aspect of affairs on the southern border of the Territory has assumed a threatening attitude, so much so, that we are of opinion that the presence of the marshal of the United States for the Territory, is necessary to preserve the public peace, and to prevent a violation of the laws of the United States within this Territory by certain individuals of the State of Missouri. We, the undersigned, deem it advisable to communicate these facts to you by express, and request that you give them your prompt attention.

Very respectfully, your obedient servants,

ROBERT LUCAS,  
CHAS. MASON,  
J. WILLIAMS.

Gen. FRANCIS GEHON,  
*Marshal U. S., for Iowa Territory.*

No. 7.

EXECUTIVE DEPARTMENT, IOWA TERRITORY,  
*Burlington, October 29, 1839.*

SIR: You are requested to repair to the southern boundary of Iowa Territory, within the county of Van Buren, and aid, by your counsel and advice, the authorities of that county, in preserving public order



within the boundaries of this Territory. You will advise our citizens to be circumspect in all their acts, and to act in strict subordination to the civil authority, should the laws of the Territory, or those of the United States, be violated within the Territory. That all due diligence be used to arrest the offenders, and cause them to be brought before the proper judicial tribunals, to be dealt with according to law. But should the territory of the United States be invaded by an armed force, of a character too powerful to be resisted by the ordinary civil authority, that evidence of the fact be taken in writing, and reported to this department to be transmitted to the President of the United States, for his interposition and instructions. The whole subject is submitted to your discretion, in the confident belief that you will give such advice and adopt such measures as are best calculated to preserve order, protect the rights of the citizens, and maintain the supremacy of the laws of the United States within the Territory of Iowa.

Very respectfully, your obedient servant,  
ROBERT LUCAS.

Gen. V. P. VAN ANTWERP,  
*Adjutant General of Iowa militia.*

No. 8.

BURLINGTON, IOWA TERRITORY,  
November 4, 1839.

SIR: In accordance with the instructions contained in your communication of the 29th ultimo, I left this place on the day thereafter for the southern boundary of Iowa, within the county of Van Buren.

Expecting to find the civil authorities of that county at its seat of justice, I proceeded directly from Keosauqua, and reached there on the 31st.

I ascertained, upon inquiry, that the sheriff of the county was not in town, but that he would probably be found at his residence at Farmington.

From Brigadier General Swazey, whom I met there, I learned further, that the point within our Territory at which the authorities of Missouri were expected to make an attempt to collect taxes from the citizens of Iowa, was in the neighborhood of Farmington.

On the following morning, therefore, being that of the day (the 1st instant) by which it had been rumored our citizens were required by the Missourians to comply with the propositions of the latter, or, in the event of their noncompliance, that an armed force would be marched by them into the disputed territory, I repaired to Farmington, via Knowell's crossing of Indian creek—the latter being the point which it had been said was to be made the headquarters of the invading army. No incursion into our Territory, of a hostile character, was made on either that or the day following, for the reasons, perhaps, which will appear hereafter.

On the day preceding that of my arrival at Keosauqua, a meeting of the citizens of the county had been held, at which resolutions were adopted that have, doubtless, been already laid before you. A committee, consisting of Abner Kneeland, Esq., and Capt. I. N. Lewis, had been deputed by the meeting to convey those resolutions to the people of Clark

county, Missouri. That committee repaired, on the 1st instant, to Waterloo, the seat of justice of Clark county, accompanied by Gen. J. Davidson, a citizen of Van Buren county.

Having discharged their mission, the committee, together with Gen. Davidson, returned to Farmington on the evening of the 2d inst., where I had an interview with them. Their report of the proceedings had by the citizens of Missouri, at Waterloo, on the presentation of the resolutions borne by them from the people of Van Buren county, will be found in the accompanying papers, marked A, as will, also, their statement in regard to the probability of a resort to hostilities by the military force of Missouri. The same paper contains a statement signed by Gen. Davidson, upon the same subject.

These statements, coming, as they do, from highly respectable gentlemen, leave, it will be seen, little or no doubt, that on further refusal of the citizens of Iowa, within the territory in dispute, to pay taxes to the authorities of Missouri, a strong armed force will be put in immediate requisition by the latter to enforce their collection; and, that any such demand, if made, will meet with a prompt and indignant rejection, it is needless, perhaps, to say. This military force, it is believed, however, cannot be got in readiness to make an invasion of our Territory under a week hence.

This being the case, and deeming it of the first importance that the intelligence now communicated should be laid before your excellency with as little delay as possible, and the more especially as the Territorial Legislature was to commence its session at this place to-day, I returned here forthwith for that purpose.

It will be seen, by reference to the statement of Messrs. Kneeland and Lewis, that the sheriff of Clark county, Missouri, is expected to enter the disputed territory on to-morrow, (the 5th inst.,) alone, with a view of attempting to collect taxes therein. In the event that this step is taken, as in all probability it will be, and "the laws of this Territory or those of the United States be violated within the Territory," the offenders will doubtless be arrested, "to be brought before the proper judicial tribunals to be dealt with according to law." In an interview held with sheriff Hefleman, of Van Buren county, I communicated to him fully your excellency's views and instructions upon this point, and enjoined upon him to hold himself in readiness promptly and efficiently to discharge his official duties, and to be prepared to call to his aid, for this purpose, the *posse comitatus*, should it become necessary.

The opinion formed by me of that gentleman, from a very brief acquaintance with him, and of his fellow-citizens of the county, is a sufficient evidence to my mind that nothing which should be done in the matter will be left undone. The best spirit, so far as I could ascertain their sentiments upon the subject, animates them in the situation in which they are placed. A determination is manifested, on their part, to act circumspectly, but firmly, in all their proceedings—governed by the noble maxim of one of the first men of his own or any other age, "to ask for nothing but what is clearly right, and to submit to nothing that is wrong."

There is one point connected with this subject to which it may be proper that I should refer before closing this communication.

I found there to exist, among the citizens of Van Buren county, with whom I met, a general feeling of regret, that such persons as they might have clothed with authority to act in their behalf, together with the constituted authorities of the General Government, and of the Territory, had not been left untrammelled to dispose of this delicate and highly important subject, as their views of the duty and responsibility devolving upon them might seem to point out.

The opinion is entertained by some men of discernment, that had this been the case, the matter might ere this have been amicably adjusted.

It has been already stated that a party of the citizens of Missouri were on their way to our Territory with a view of holding a conference with our citizens, and desirous, it is believed, of effecting an amicable adjustment, when they were met and solicited to return to Waterloo, which they did accordingly.

The publication, in our papers, of the proceedings at the conference there held, and the remarks accompanying it, have, I am assured, had, to say the least of it, any thing but a happy effect.

If there were previously reasonable grounds to believe that a very large and respectable portion of the people of Clark county, Missouri, were decidedly adverse to coming in collision with their neighbors over the line, the publication referred to has, it is said, dispelled in a great measure any such feelings.

It is believed to have aroused their pride, and led them to take a position, which but for its publication they might never have assumed; a position engendering imbittered hostility of feeling between neighbors, which may lead to results, alike forbidden by every consideration of humanity, and by the ties of consanguinity, and common country origin, by which they have heretofore been, and should ever continue to be, bound indissolubly together.

Very respectfully, your obedient servant,

V. P. VAN ANTWERP,  
*Adjutant General of Iowa militia.*

His Excellency ROBERT LUCAS,  
*Governor of Iowa Territory.*

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No. 9.

*Extract from the message of the Governor of Iowa to the Legislative Assembly, dated November 5, 1839.*

“By the provision of the act of Congress, approved June 18, 1838, entitled ‘An act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked,’ the President of the United States was authorized to cause to be surveyed, ascertained, and distinctly marked, the southern boundary of the Territory of Iowa west of the Mississippi river, which divides it from the State of Missouri; and that, for that purpose, he was authorized to appoint a commissioner on the part of the United States, who should unite or act in conjunction with a commissioner to be appointed by the Governor of Missouri, and a commissioner to be appointed by the Gover-

nor of the Territory of Iowa, in running, marking, and ascertaining said boundary line; and it was made the duty of the commissioner to be appointed by the President, to make a full report of his proceedings in the premises to the Secretary of State of the United States. Under the provisions of said act, Albert M. Lea, Esq., was appointed a commissioner on the part of the United States, and Dr. James Davis was appointed a commissioner on the part of the Territory of Iowa. The Governor of Missouri declined to appoint a commissioner on the part of that State. The law declares that if the State of Missouri and Territory of Iowa should fail to appoint commissioners, or if the commissioner appointed by either, or both, should fail to attend to the duty after reasonable notice, that the commissioner on the part of the United States should proceed to execute the duties enjoined with either of said commissioners who might attend, or without the attendance of either or both commissioners. The law further declares, that the line so run, ascertained, and marked, should not be deemed to be finally established and ratified by the United States until the map or plat and descriptions aforesaid, and also, the said report of the commissioner should be submitted to, and the boundary, as thus ascertained and marked, approved and ratified by the Congress of the United States.

“The commissioner appointed on the part of the United States, in conjunction with the commissioner on the part of the Territory of Iowa, proceeded to the discharge of their duties, and submitted their reports in accordance with the requisitions of the law, and in obedience to a resolution of the House of Representatives on the 30th day of January last. The report of the commissioner on the part of the United States was submitted to Congress by the Secretary of State, but not being finally acted upon before the adjournment of Congress, it now awaits the final action of Congress thereon at the ensuing session. After this report was submitted to Congress, the Legislature of the State of Missouri passed an act declaring the line run by their own commissioner in 1837, to be the northern boundary of that State. This act was dated, according to the proclamation of the Governor of Missouri, the 16th of February, 1839. This Missouri act appears to have been passed in defiance of the proceedings of Congress, and in direct contravention of their acts, and under the provisions of which, the authorities of that State have attempted to obtain a tortuous jurisdiction over a portion of this Territory within the county of Van Buren, and on which the Territory of Iowa has, since its organization, exercised an unmolested jurisdiction.

“The unwarrantable and unjustifiable proceedings of the authorities of Missouri, and their attempt to levy and collect taxes from citizens of the United States residing within the organized boundaries of this Territory, have caused an excitement of feeling that may ultimately lead to the effusion of blood.

“It becomes our duty to maintain the jurisdiction of the United States over all the Territory embraced within the boundaries of the Territory of Iowa at the time of its organization, until Congress establish the line. This duty cannot be dispensed with by the authorities of this Territory, acting, as they do, under the law of the United States. They are bound to maintain their supremacy, and cannot compromise or yield the jurisdiction of the United States in any way or manner whatever.

"In order that the Legislature may have a full view of this exciting subject, I transmit, with this message to the House of Representatives, all documents in possession of the Executive, that can cast light on the subject, with a request that they may be communicated to the council, and receive the prompt attention of the Legislative Assembly."

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No. 10.

FARMINGTON, *November 22, 1839.*

SIR: The sheriff of Clark county, Missouri, made his second appearance in the county of Van Buren, for the purpose of collecting taxes, on the 19th instant. I was informed of his arrival. I pursued him forthwith, and arrested him on the 20th. The court of inquiry was held on the 21st. He was found guilty, and refused to give bail for his appearance at the next district court, and he still remains in my custody, under guard, as we are destitute of a jail. I am at a loss to know what to do with him for safe-keeping, as one of the attorneys of this county informed me it was not in my power to take him out of this county. The public rumor is, that they intend to take him out of my custody. I now appeal to you for instructions what to do with him, and your commands shall be obeyed, if possible.

Very respectfully, yours in haste,

H. HEFFLEMAN,

*Sheriff of Van Buren county, I. T.*

His Excellency ROBERT LUCAS,

*Governor of Iowa Territory.*

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No. 11.

EXECUTIVE DEPARTMENT, IOWA TERRITORY,  
*Burlington, November 23, 1839.*

DEAR SIR: I acknowledge with pleasure the receipt of your communication of the 22d instant.

You are entitled to the approbation of every citizen of Iowa, for the prompt discharge of duty in arresting the sheriff of Clark county, Missouri, for a violation of the laws within the legitimate boundary of our Territory.

It does not come within the scope of executive duties to direct proceedings in judicial cases. By reference to the 21st section of the act defining the duties of sheriffs, &c., (Iowa Statutes, page 446,) the district Judge is authorized to grant certain privileges, which Judge Mason has done, and his order is herewith transmitted to you. Under this privilege granted by the Judge, you may remove the prisoner to any part of Van Buren county, and keep him under such guard as you may direct.

There will be a bill presented to the Legislative Assembly, on Monday next, to authorize the removal of prisoners to any part of the Territory for safe-keeping. This bill will doubtless pass both Houses, and in all probability will become a law on the same day it is presented. Pro-



visions will be made in it to meet the case under your consideration, and you will then be authorized to remove the prisoner to Bloomington, or any other place within the Territory you may see proper.

The marshal of the United States will start to your place on to-morrow. You will probably receive some communications by him.

You may rest assured that your proceedings meet my entire approbation.

Very respectfully, your obedient servant,

ROBERT LUCAS.

HENRY HEFFLEMAN, Esq.,

*Sheriff of Van Buren county, Iowa Territory.*

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No. 12.

FORT MADISON, *December 2, 1839.*

I conceived it my duty, as a citizen of the Territory, to acquaint you with the measures adopted by an armed force at St. Francisville, State of Missouri, towards me and several teams employed by me. I was engaged in the transportation of goods from Tally, in Missouri, to this place, and on my way was stopped by a company of armed men at St. Francisville, under the command of Captain Levering, who said he acted under the orders of a certain General Allen. They refused to let me pass without having my teams searched for ammunition. They searched accordingly and found a roll of lead, which they took and the captain gave me a receipt for it. At the ferry on the Des Moines there was also a body of men armed, and I had to obtain a written pass from the captain before I could cross with my teams. The postmaster at St. Francisville informed me that he had received orders from General Allen to *prevent the mail from passing* into the *Territory of Iowa*; but not feeling disposed to obey his orders, an armed force was kept at the post office to prevent any mail being sent into the Territory. The postmaster in this place (Fort Madison) informs me that no mail has been received the past week. The captain of the company at St. Francisville told me that it was very doubtful whether he should suffer other teams, then on their way with goods destined for Fort Madison, to go any farther.

I am, with much respect, yours, &c.,

WILLIAM WILSON.

His Excellency ROBERT LUCAS.

P. S.—I send, enclosed, a receipt from the captain for the lead.

*Receipt.*

Received from William Wilson one roll of bar lead, being stopped by order of the colonel 75th regiment, 2d brigade, 14th division, Missouri militia.

F. LEVERING,

*Officer of Guards.*

No. 13.

FARMINGTON, *December 4, 1839.*

SIR: It becomes my duty to inform you of events which have recently transpired on the southern border of this Territory.

On the 3d of December instant a body of armed men from the State of Missouri, to the number of forty or fifty, came into the southern part of the county of Van Buren, on that part of the Territory over which Missouri pretends to claim jurisdiction, and proceeded to demand, seize by force, and carry away, property of the citizens of the United States there residing to a considerable amount; which said property was taken under pretence of being seized for taxes said to be due from them to the Government of Missouri, and was carried away by them before a sufficient *posse* could be raised to prevent them.

The above force was commanded by a General Willock, who, upon being requested to desist, stated that he was bound to obey orders, and should endeavor to fulfil them; and further stated that an armed force was then on the march to the disputed ground, being within the county of Van Buren, Iowa Territory.

As soon as practicable a *posse comitatus* was raised, and went forward to prevent the violation of the laws of the United States and depredations upon the property of the citizens; but they found that the force from Missouri had retreated across the line, and, from the best information that could be got, had proceeded to Waterloo.

I would deem it expedient, from these circumstances, that some efficient measures should be taken to protect the citizens of said county, and prevent any further depredations upon their property.

Very respectfully, your obedient servant,

G. A. HENDRY,

*Deputy Marshal, Iowa Territory.*

His Excellency ROBERT LUCAS,

*Governor of Iowa.*

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No. 14.

BURLINGTON, IOWA TERRITORY, *December 6, 1839.*

SIR: The course which the authorities of the State of Missouri have taken in relation to the Territory in dispute between that State and the Territory of Iowa, one of the Territories of the United States, and the still more violent means which her officers have threatened to adopt, and which it is to be apprehended she will adopt, make it impossible for the civil authority, assisted by the power of the county of Van Buren, to carry into execution the laws of the United States in said disputed territory, and to protect the citizens and property of the United States residing within the Territory; and that they can only be protected by the strong arm of military power to support me in the execution of my duty.

I would therefore respectfully request your Excellency to order out such a force of the militia of the Territory as a *posse comitatus*, as will

be adequate to the accomplishment of the object desired ; such force to be in aid of, and in subordination to the civil authority.

I have the honor to be, very respectfully, your obedient servant,

G. A. HENDRY,

*U. S. Deputy Marshal, Iowa Territory.*

His Excellency ROBERT LUCAS,

*Governor of the Territory of Iowa.*

N. B.—Having consulted with Charles Weston, Esq., attorney of the United States for this Territory, in order that I might act advisedly in this matter, and having received from him written instructions, I have thought proper to put you in possession of his opinion by sending you the same, herein enclosed.

Yours, &c.,

G. A. HENDRY,

*Deputy Marshal, Iowa Territory.*

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No. 15.

BURLINGTON, IOWA TERRITORY,

*December 6, 1839.*

SIR: A communication from you to his excellency Governor Lucas, of the 4th instant, is now before me, representing that an armed force from the State of Missouri, under the command of a general officer of the militia of that State, had, on the 3d instant, invaded the southern part of the county of Van Buren—one of the organized counties of this Territory and embraced within its established limits, and within the jurisdiction of the United States—and had forcibly seized and carried away property belonging to sundry citizens of the United States, residing within said Territory, which property was seized under a pretence that the same was taken to satisfy certain demands for taxes due from such citizens to the government of Missouri, and my opinion being solicited in your behalf, as to what steps are proper to be taken by you, in such an emergency, to preserve the integrity of the laws of the Territory and of the United States, and to protect the property and persons of citizens of the United States, within this Territory, from further threatened aggressions of the citizens of Missouri; and I having bestowed such attention upon the subject as the little time afforded me has permitted, I will endeavor to comply with the request, by stating:

1st. That until the decision of Congress has been had upon the question now before them, as to whether the line claimed by the State of Missouri as her northern boundary, or that claimed by this Territory, in behalf of the United States, as her southern boundary, is the true one: so far as we are concerned, the line heretofore established, and tacitly acknowledged by the State of Missouri as her north boundary, and, consequently, the south boundary of this Territory, (which is also the south line of Van Buren county,) must be considered as the practical line of division, and that the tract in dispute, and lying north of such practical line, must be taken as legally forming a part of the Territory of Iowa.

2. That the law passed by the legislative council of the Territory of Michigan, and approved 12th February, 1835, making it a criminal offence, punishable by fine and imprisonment, in any person who shall exercise, or attempt to exercise, any official functions, or shall officiate in any office or situation within any part of the present jurisdiction of the Territory, or within the limits of any of the counties therein, as now organized, by virtue of any commission or authority not derived from the Territory or under its laws, or under the Government of the United States, is the law of this Territory, the laws of Michigan having been extended to Wisconsin by the organic law of that Territory, and subsequently to the Territory of Iowa, by the act dividing the Territory of Wisconsin, and establishing the Territorial government of Iowa. Under the provisions of that law, therefore, it clearly becomes the duty of the marshal of the United States for the Territory, to arrest any person or persons who shall exercise, or attempt to exercise, any official functions in contravention thereof, and if opposed or obstructed, in the performance of such duty, by a military force too powerful to be resisted by the body of the county of Van Buren, to make a requisition upon the Governor of the Territory for a sufficient force of the Territorial militia, (such military force being in aid of, and in subordination to, the civil authorities,) as will enable him to execute the laws.

And should an attempt be made by Missouri to wrest the disputed territory from the possession of the United States, by force, it will become the duty of the proper authorities of the Territory to protect and defend, at all hazards, such territory, and the citizens of the United States residing thereon, until the more powerful aid and action of the President of the United States shall be interposed in the matter.

Very respectfully, your obedient servant,

CHARLES WESTON,  
*United States Attorney.*

G. A. HENDRY, Esq.,  
*Deputy marshal of the United States,  
for the Territory of Iowa.*

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No. 16.

EXECUTIVE DEPARTMENT, I. T.,  
*Burlington, December 6, 1839.*

SIR: I acknowledge the receipt of your report of the 4th instant, together with the written opinion of the district attorney of the United States for this Territory, and also your communication of this date; and, after a mature consideration of their contents, I have issued an order, in compliance with your requisition of this date, to the respective major generals of the militia of the Territory, commanding them to use the most prompt and efficient means under their control to furnish you, from time to time, with such force as you may deem necessary to enforce the laws of the United States within the Territory of Iowa, and preserve peace and order within the same.

You will perceive by the order issued to the commandants of divisions, a copy of which is herewith handed you, that the whole subject as to the

necessity of a call for an armed force as a *posse comitatus*, and the course of procedure, is left to your discretion, and, when furnished, will be under your control and act in strict subordination to your instructions.

With a full confidence in your discretion in enforcing the laws of the United States within the Territory, and preserving peace and order within the same,

I am, sir, with respect, your obedient servant,

ROBERT LUCAS.

To the MARSHAL of the United States  
within the Territory of Iowa.

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No. 17.

HEAD QUARTERS, BURLINGTON,  
Iowa Territory, December 6, 1839.

SIR: You are hereby commanded to use the most prompt and efficient means under your control to furnish such force from your division as may be, from time to time, required of you by the marshal of the United States, to enable him to enforce the laws of the United States within the limits of the Territory of Iowa, and to preserve peace and order within the same; and such force as he may, from time to time, require of you to enable him to execute legal process, issued under the laws of the United States, and to arrest and bring to justice such persons as may be charged with a violation of the laws of the United States within the Territory of Iowa. The force procured, upon the requisition of the marshal of the United States, will be put under his control, and will act in strict subordination to his instructions.

A prompt attention to the foregoing order is required of you.

ROBERT LUCAS.

Commander-in-chief.

Major General J. D. BROWN,  
1st division, Iowa militia.  
Major General J. E. FLETCHER,  
2d division, Iowa militia.  
Major General WARNER LEWIS,  
3d division, Iowa militia.

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No. 18.

A memorial on the subject of the disputed boundary line between this Territory and the State of Missouri.

To the Senate and House of Representatives of the United States:

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent: That for want of a definite boundary line, the civil authorities of the State of Missouri, under sanction of a law passed by the legislature of that State, at its last session, have attempted an extension of its jurisdiction to a line within the limits con-



ceded to Iowa upon its organization, and over which Missouri, until since the last session of her State legislature, claimed no jurisdiction, and over which the Territorial governments of Michigan and Wisconsin wielded undisputed control. Your memorialists would farther represent, that the encroachments of the State of Missouri are calculated, and will, if persisted in, destroy that peace and harmony between our citizens and the citizens of the State of Missouri, so essential to the happiness, growth, and prosperity of a country, throwing settlements into a state of constant excitement, by threats of an array of military force to coerce us into submission to their mandates.

In order to evade the evils of a civil war between brethren of the same blood and tongue, we urge upon your honorable bodies the necessities of a speedy settlement of a question involving so deep an interest; and we would ask your immediate action on this subject. We would throw ourselves upon your sense of justice to protect us from the evils forced upon us, with a firm reliance on your wisdom and honor to secure to us, in peace, that which our stronger sister is attempting to wrest from us by force.

As the representatives of the people, we appeal to your protection and wisdom, and to your sense of justice, for the exercise of that power, which belongs to your bodies and the executive alone, to settle this question, to which tribunal, and no other, do we look to establish the line, whose decision alone we feel bound to recognise.

And, as in duty bound, your memorialists will ever pray, &c.

*Resolved*, That the Governor of this Territory forward one copy of this memorial to the President of the Senate of the United States, one to the Speaker of the House of Representatives, and one to the Hon. W. W. Chapman, our delegate in Congress.

ED. JOHNSON,

*Speaker of the House of Reps.*

J. HEMPSTEAD,

*President of the Council.*

Approved December 6, 1839.

ROBERT LUCAS.